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TAGS: [KTIP](#) [ELAB](#) [KCRM](#) [KPAO](#) [KWMN](#) [PGOV](#) [PHUM](#) [PREL](#) [SMIG](#) [IV](#)
SUBJECT: COTE D'IVOIRE -- 2009 TIP REPORT: PRESS GUIDANCE
AND DEMARCHE

REF: A. (A) STATE 59732
[B.](#) (B) STATE 005577

¶1. This is an action cable; see paras 5 through 7 and 10.

¶2. On June 16, 2009, at 10:00 a.m. EDT, the Secretary will release the 2009 Trafficking in Persons (TIP) Report at a press conference in the Department's press briefing room. This release will receive substantial coverage in domestic and foreign news outlets. Until the time of the Secretary's June 16 press conference, any public release of the Report or country narratives contained therein is prohibited.

¶3. The Department is hereby providing Post with advance press guidance to be used on June 16 or thereafter. Also provided is demarche language to be used in informing the Government of Cote d'Ivoire of its tier ranking and the TIP Report's imminent release. The text of the TIP Report country narrative is provided, both for use in informing the Government of Cote d'Ivoire, and in any local media release by Post's public affairs section on June 16 or thereafter. Drawing on information provided below in paras 8 and 9, Post may provide the host government with the text of the TIP Report narrative no earlier than 1200 noon local time Monday June 15 for WHA, AF, EUR, and NEA countries and OOB local time Tuesday June 16 for SCA and EAP posts. Please note, however, that any public release of the Report's information should not/not precede the Secretary's release at 10:00 am EDT on June 16.

¶4. The entire TIP Report will be available on-line at www.state.gov/g/tip shortly after the Secretary's June 16 release. Hard copies of the Report will be pouched to posts in all countries appearing on the Report. The Secretary's statement at the June 16 press event, and the statement of and fielding of media questions by G/TIP's Director and Senior Advisor to the Secretary, Ambassador-at-Large Luis CdeBaca, will be available on the Department's website shortly after the June 16 event. Ambassador de Baca will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 pm EDT.

¶5. Action Request: No earlier than 12 noon local time on Monday June 15 for WHA, AF, EUR, and NEA posts and OOB local time on Tuesday June 16 for SCA and EAP posts, please inform the appropriate official in the Government of Cote d'Ivoire of the June 16 release of the 2009 TIP Report, drawing on the points in para 9 (at Post's discretion) and including the text of the country narrative provided in para 8. For countries where the State Department has lowered the tier ranking, it is particularly important to advise governments prior to the Report being released in Washington on June 16.

¶6. Action Request continued: Please note that, for those countries which will not receive an "action plan" with specific recommendations for improvement, posts should draw host governments' attention to the areas for improvement identified in the 2009 Report, especially highlighted in the "Recommendations" section of the second paragraph of the narrative text. This engagement is important to establishing

the framework in which the government's performance will be judged for the 2010 Report. If posts have questions about which governments will receive an action plan, or how they may follow up on the recommendations in the 2009 Report, please contact G/TIP and the appropriate regional bureau.

17. Action Request continued: On June 16, please be prepared to answer media inquiries on the Report's release using the press guidance provided in para 11. If Post wishes, a local press statement may be released on or after 10:30 am EDT June 16, drawing on the press guidance and the text of the TIP Report's country narrative provided in para 8.

18. Begin Final Text of Cote d,Ivoire,s country narrative in the 2009 TIP Report:

Cote d,Ivoire (TIER 2 Watch List)

Cote d,Ivoire is a source, transit, and destination country for women and children trafficked for forced labor and commercial sexual exploitation. Trafficking within the country is more prevalent than transnational trafficking, and the majority of victims are children. Within Cote d,Ivoire, women and girls are trafficked primarily for domestic servitude, restaurant labor, and sexual exploitation. A 2007 study by the German government,s foreign aid organization found that 85 percent of females in prostitution in two Ivoirian districts were children. Boys are trafficked within the country for agricultural and service labor. They are also trafficked from Ghana, Mali, Burkina Faso, Benin, Togo, and Ghana to Cote d,Ivoire for forced agricultural labor, including work in the cocoa sector. Boys from Guinea are trafficked to Cote d,Ivoire for forced mining, from Togo for forced construction labor, from Benin for forced carpentry work, and from Ghana and Togo for forced labor in the fishing industry. Women and girls are trafficked to and from other West and Central African countries for domestic servitude and forced street vending. Women and girls are trafficked from other West African countries, most notably from Ghana, Nigeria, and Burkina Faso, to Cote d,Ivoire for commercial sexual exploitation. Women are trafficked from and through Cote d,Ivoire to Europe for sexual exploitation.

The Government of Cote d,Ivoire does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government,s law enforcement efforts to address trafficking increased with the conviction of sex traffickers over the last year. Despite these efforts, the government did not demonstrate progress over the last year in prosecute traffickers of children for prostitution or forced labor; therefore, Cote d,Ivoire is placed on Tier 2 Watch List.

Recommendations for Cote d,Ivoire: Increase efforts to investigate, prosecute, and convict traffickers; develop systematic procedures for identifying trafficking victims among women and girls in prostitution; step up efforts to educate government officials about trafficking, particularly child sex trafficking; intensify efforts to provide care to trafficking victims by making available funds allocated for construction of victim shelters; ensure that trafficking victims are not penalized for acts committed as a direct result of being trafficked.

Prosecution

The Government of Cote d,Ivoire demonstrated increased efforts to address trafficking though law enforcement during the reporting period. Ivoirian law does not prohibit all forms of trafficking. However, Penal Code Article 378 prohibits forced labor, prescribing a sufficiently stringent penalty of one to five years, imprisonment and a fine of approximately \$800 to -\$2,200. Penal Code Article 376 criminalizes entering into contracts that deny freedom to a third person, prescribing a sufficiently stringent punishment of five to 10 years, imprisonment and a fine. Penal Code

Articles 335 to 337 prohibit recruiting or offering children for prostitution, prescribing penalties of one to 10 years, imprisonment and a fine, which are sufficiently stringent and commensurate with penalties prescribed for rape. Ivoirian law does not criminalize the trafficking of adults for commercial sexual exploitation. Conscription of children for armed conflict is prohibited by Article 2 of the military code. The government's 2007 draft law prohibiting child trafficking and child labor awaits approval by the National Assembly, but the Assembly's mandate ended in December 2005 and new legislative elections have not yet been held.

From April to July 2008, Ivoirian police investigated three trafficking cases and sent one suspected trafficker to a tribunal for prosecution. The suspect was released without being charged. A different suspect arrested in April 2008 for trafficking two Beninese children for construction labor in the housing industry was also released without being formally charged. In October 2008, the UN Operation in Cote d'Ivoire reported that a Beninese man allegedly forced five children from Benin to work long hours on cocoa plantations and in restaurants in Vavoua. Officials from the Forces Nouvelles (FN), which carried out the 2002 rebellion and remain in control of some areas of the country, arrested and placed him in prison. When the man agreed to pay the equivalent of \$1,600 to house and eventually repatriate the victims, the FN released him. The government reported that in 2008, it obtained the convictions of four Nigerien nationals who had trafficked women from Niger and Nigeria to Cote d'Ivoire for sexual exploitation. The court imposed penalties of from 12 to 36 months, imprisonment and fines on the convicted traffickers. The government did not report any prosecutions of individuals subjecting children to trafficking in prostitution or in the cocoa sector.

Police reported quarterly raids on brothels. Officials reported that in two cases during the year, police questioned women in prostitution to identify whether they were trafficking victims. NGOs reported that law enforcement officials continued to exploit women in prostitution, sometimes threatening to arrest foreign women without documentation if they refused to engage in sex. During the year, Ivoirian police conducted a joint investigation with Ghanaian authorities to pursue a Ghanaian trafficker who had taken two Togolese children into Cote d'Ivoire. The government also paid to lodge judges who attended a donor-funded anti-trafficking training course.

Protection

The Ivoirian government did not fully protect victims of trafficking during the last year. There are no government shelters for victims. Victims are referred to NGOs and international organizations for care. While the government allocated \$600,000 to build centers in its 2007-2009 national action plan against the worst forms of child labor and child trafficking, it has not yet made funds available to begin construction.

The government continued to operate community education centers and mobile schools for victims of child trafficking and the worst forms of child labor. The National Committee Against Trafficking also repatriated 25 child victims of trafficking to their home countries during the reporting period. The committee referred an additional 21 children to the NGO BICE (Bureau International Catholique de l'Enfance) for repatriation. There is currently no formal government program for Ivoirian nationals repatriated to Cote d'Ivoire, although the Ministry of Family is occasionally called on to provide assistance. In September 2008, the Ministry of Family (MOF), in collaboration with UNICEF, published a manual detailing government procedures for providing care to child labor and trafficking victims.

The MOF is responsible for all aspects of foreign victim repatriation, including notifying the victims, consular offices or embassies, informing officials in the victims' home countries, contacting NGOs with the means to assist with

shelter and repatriation, and organizing transportation expenses for victims and their escorts during the repatriation process. Once victims reach their country of origin, MOF representatives entrust them to government authorities.

Both the MOF and the National Police employed social workers to assist victims immediately upon their identification. During the year, however, police did not identify any children being prostituted in a brothel as trafficking victims, instead characterizing them as consensually in prostitution. The government systematically encouraged victims to assist in trafficking investigations and prosecutions. The government provided temporary residence permits to foreign victims from countries where they might face hardship or retribution. ECOWAS nationals, including trafficking victims, may legally reside and work in Cote d'Ivoire.

Prevention

The Government of Cote d'Ivoire demonstrated efforts to prevent trafficking during the reporting period. The Ministry of Family conducted awareness-raising campaigns to educate local government officials, community leaders, and members of anti-trafficking village committees about the problem. In June 2008, the Ministry of Family launched a donor-funded national awareness campaign against trafficking and child labor. The Ministry organized UNICEF and ILO-sponsored events, such as public conferences and a film for children. The government also published a study conducted jointly with private cocoa companies on the incidence of child labor and forced adult labor in its cocoa sector in June 2008. The study found the incidence of child labor exploitation to be significant.

During the year, the police reported that they took steps to reduce demand for commercial sex acts by raiding brothels, but did not follow systematic procedures in all cases to identify trafficking victims among females in prostitution. Cote d'Ivoire's 2008 budget allocated \$4.3 million toward implementing all aspects of the national action plan against child trafficking and the worst forms of child labor; however, no funds were disbursed during the reporting period.

The government did not take measures to insure that its nationals deployed abroad as part of peacekeeping missions do not engage in or facilitate trafficking. Cote d'Ivoire has not ratified the 2000 UN TIP Protocol.

¶9. Post may wish to deliver the following points, which offer technical and legal background on the TIP Report process, to the host government as a non-paper with the above TIP Report country narrative:

(begin non-paper)

-- The U.S. Congress, through its passage of the 2000 Trafficking Victims Protection Act, as amended (TVPA), requires the Secretary of State to submit an annual Report to Congress. The goal of this Report is to stimulate action and create partnerships around the world in the fight against modern-day slavery. The USG approach to combating human trafficking follows the TVPA and the standards set forth in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (commonly known as the "Palermo Protocol"). The TVPA and the Palermo Protocol recognize that this is a crime in which the victims, labor or services (including in the "sex industry") are obtained or maintained through force, fraud, or coercion, whether overt or through psychological manipulation. While much attention has focused on international flows, both the TVPA and the Palermo Protocol focus on the exploitation of the victim, and do not require a showing that the victim was moved.

-- Recent amendments to the TVPA removed the requirement that

only countries with a "significant number" of trafficking victims be included in the Report. Beginning with the 2009 TIP Report, countries determined to be a country of origin, transit, or destination for victims of severe forms of trafficking are included in the Report and assigned to one of three tiers. Countries assessed as meeting the "minimum standards for the elimination of severe forms of trafficking" set forth in the TVPA are classified as Tier 1. Countries assessed as not fully complying with the minimum standards, but making significant efforts to meet those minimum standards are classified as Tier 2. Countries assessed as neither complying with the minimum standards nor making significant efforts to do so are classified as Tier 3.

-- The TVPA also requires the Secretary of State to provide a "Special Watch List" to Congress later in the year. Anti-trafficking efforts of the countries on this list are to be evaluated again in an Interim Assessment that the Secretary of State must provide to Congress by February 1 of each year. Countries are included on the "Special Watch List" if they move up in "tier" rankings in the annual TIP Report -- from 3 to 2 or from 2 to 1) or if they have been placed on the Tier 2 Watch List.

-- Tier 2 Watch List consists of Tier 2 countries determined: (1) not to have made "increasing efforts" to combat human trafficking over the past year; (2) to be making significant efforts based on commitments of anti-trafficking reforms over the next year, or (3) to have a very significant number of trafficking victims or a significantly increasing victim population. As indicated in reftel B, the TVPRA of 2008 contains a provision requiring that a country that has been included on Tier 2 Watch List for two consecutive years after the date of enactment of the TVPRA of 2008 be ranked as Tier 13. Thus, any automatic downgrade to Tier 3 pursuant to this provision would take place, at the earliest, in the 2011 TIP Report (i.e., a country would have to be ranked Tier 2 Watch List in the 2009 and 2010 Reports before being subject to Tier 3 in the 2011 Report). The new law allows for a waiver of this provision for up to two additional years upon a determination by the President that the country has developed and devoted sufficient resources to a written plan to make significant efforts to bring itself into compliance with the minimum standards.

-- Countries classified as Tier 3 may be subject to statutory restrictions for the subsequent fiscal year on non-humanitarian and non-trade-related foreign assistance and, in some circumstances, withholding of funding for participation by government officials or employees in educational and cultural exchange programs. In addition, the President could instruct the U.S. executive directors to international financial institutions to oppose loans or other utilization of funds (other than for humanitarian, trade-related or certain types of development assistance) with respect to countries on Tier 3. Countries classified as Tier 3 that take strong action within 90 days of the Report's release to show significant efforts against trafficking in persons, and thereby warrant a reassessment of their Tier classification, would avoid such sanctions. Guidelines for such actions are in the DOS-crafted action plans to be shared by Posts with host governments.

-- The 2009 TIP Report, issuing as it does in the midst of the global financial crisis, highlights high levels of trafficking for forced labor in many parts of the world and systemic contributing factors to this phenomenon: fraudulent recruitment practices and excessive recruiting fees in workers, home countries; the lack of adequate labor protections in both sending and receiving countries; and the flawed design of some destination countries, "sponsorship systems" that do not give foreign workers adequate legal recourse when faced with conditions of forced labor. As the May 2009 ILO Global Report on Forced Labor concluded, forced labor victims suffer approximately \$20 billion in losses, and traffickers, profits are estimated at \$31 billion. The current global financial crisis threatens to increase the number of victims of forced labor and increase the associated

"cost of coercion."

-- The text of the TVPA and amendments can be found on website www.state.gov/g/tip.

-- On June 16, 2009, the Secretary of State will release the ninth annual TIP Report in a public event at the State Department. We are providing you an advance copy of your country's narrative in that report. Please keep this information embargoed until 10:00 am Washington DC time June 16. The State Department will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 pm EDT.

(end non-paper)

¶10. Posts should make sure that the relevant country narrative is readily available on or though the Mission's web page in English and appropriate local language(s) as soon as possible after the TIP Report is released. Funding for translation costs will be handled as it was for the Human Rights Report. Posts needing financial assistance for translation costs should contact their regional bureau,s EX office.

¶11. The following is press guidance provided for Post to use with local media.

Q1. Why did Cote d,Ivoire remain on the Tier 2 Watch List?

A: The Government of Cote d,Ivoire does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government,s law enforcement efforts to address trafficking increased with the conviction of sex traffickers over the last year. Despite these efforts, the government did not demonstrate progress over the last year in prosecute traffickers of children for prostitution or forced labor; therefore, Cote d,Ivoire is placed on Tier 2 Watch List.

Q2: What progress has Cote d,Ivoire made in the last year?

A: The government reported that in 2008 it obtained the convictions of four Nigerien nationals who had trafficked women from Niger and Nigeria to Cote d,Ivoire for sexual exploitation. The court imposed penalties of 12 to 36 months, imprisonment and fines on the convicted traffickers.

During the year, Ivoirian police conducted a joint investigation with Ghanaian authorities to pursue a Ghanaian trafficker who had taken two Togolese children into Cote d,Ivoire. The government continued to operate community education centers and mobile schools for victims of child trafficking and the worst forms of child labor. The National Committee Against Trafficking also repatriated 25 child victims of trafficking to their home countries in the last year. The committee referred an additional 21 children to an NGO for repatriation. The Ministry of Family conducted awareness-raising campaigns to educate local government officials, community leaders, and members of anti-trafficking village committees about the problem.

Q3: What can the Cote d,Ivoire do to further the fight against trafficking in persons?

A: Increase efforts to investigate, prosecute, and convict traffickers; develop systematic procedures for identifying trafficking victims among women and girls in prostitution; step up efforts to educate government officials about trafficking, particularly child sex trafficking; intensify efforts to provide care to trafficking victims by making available funds allocated for construction of victim shelters; ensure that trafficking victims are not penalized for acts committed as a direct result of being trafficked.

¶12. The Department appreciates posts, assistance with the preceding action requests.

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